

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 6:12-cr-00210

LLOYD B. CARR

ORDER

Pending before the Court is Defendant's Letter Form Motion for Equitable Tolling and Appointment of Counsel. [ECF No. 107]. Defendant filed a motion under 28 U.S.C. § 2255 to modify, set aside, or vacate his sentence on July 27, 2018. [ECF No. 89]. Magistrate Judge Tinsley entered Proposed Findings and Recommendation recommending that the District Court deny Defendant's Motion on September 3, 2020. [ECF No. 21]. Defendant filed a Motion requesting more time to file objections to the PF&R. [ECF No. 104]. I granted Defendant's Motion, giving him until October 1, 2020, to file objections. [ECF No. 106]. Defendant filed the instant Motion on October 1, 2020. Defendant's Motion does not address the PF&R other than asking for even more additional time to file objections. Because Defendant has already been given additional time to file objections to the PF&R, I **DENY** Defendant's Motion for Equitable Tolling and Appointment of Counsel and find that no timely objections to the PF&R have been made.

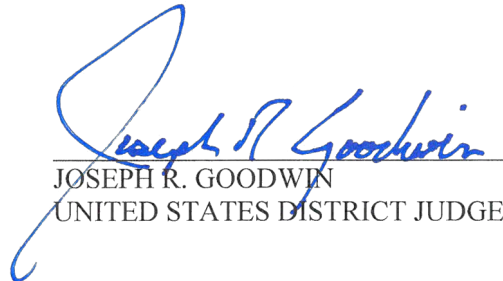
A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court **ADOPTS and INCORPORATES** herein the PF&R [ECF No. 21] and **ORDERS** judgment consistent therewith. Defendant's Motion [ECF No. 107] is **DENIED**. The court **DISMISSES without prejudice** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: October 19, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE